Res 04-32

ANC 3F RESOLUTION OPPOSING BZA APPLICATION NO. 17251 FOR SPECIAL EXCEPTIONS TO BUILD A REAR ADDITION AT 3715 ALBEMARLE STREET, N.W.

Advisory Neighborhood Commission 3F
North Cleveland Park, Forest Hills, and Tenleytown
4401-A Connecticut Avenue, N.W., Box 244
Washington, D.C. 20008-2322

RECEIVED
D.C. OFFICE OF ZONING
2004 DEC -6 PM 2:13

WHEREAS, the house at 3715 Albemarle Street, N.W., Lot 48 in Square 1888, is located in an R-1B zone district, but occupies a nonconforming lot of 2,035.04 square feet and is one in a row of ten semi-detached nonconforming houses on similarly small lots built before May 12, 1958, when the current zoning regulations took effect; and

WHEREAS, 11 DCMR Section 2001.3 allows an addition to be built as a matter of right at 3715 Albemarle Street so long as it conforms to the use and structure requirements of the R-1B zone district, does not increase or extend any nonconformity, and does not create any new nonconformity of structure or addition; and

WHEREAS, the owners of 3715 Albemarle Street, N.W., have applied to the Board of Zoning Adjustment (BZA) under 11 DCMR Sections 3104.1 and 223 for special exceptions from the 40% maximum lot occupancy (Section 403), 25-foot rear yard set back (Section 404), and 8-foot side yard requirement (Section 405) of the R-1B zone district to build a two-story 12' x 17.5' addition with basement in the rear of the house, which they describe as all season porches, but which are shown in the side and rear elevations of the application as being enclosed to create living spaces; and

WHEREAS, the only applicable dimension for which a special exception is not being sought is building height, although no figures are given on the two elevations to allow evaluation of whether such an exception is needed; and

WHEREAS, the special exceptions, if granted, would allow the house to occupy 45% of the lot; would continue the nonconforming one-foot side yard that separates 3715 Albemarle Street from 3713 Albemarle for a short, unspecified distance beyond their common division wall; and would leave a rear yard only 16.38 feet deep; and

WHEREAS, this addition would need the same special exceptions if the property were located in an R-2 zone district; and

WHEREAS, in fact, the owners of 3715 Albemarle Street have already started building the addition, shown in the attached photographs, but filed this application after DCRA placed a stop work order on the project; DCRA has informed ANC 3F that no permits were ever issued for this construction work; and

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17251
EXHIBIT NO. 22

Board of Zoning Adjustment
District of Columbia
CASE NO. 17251
EXHIBIT NO. 22

WHEREAS, construction of the addition to date, without a permit, has had an adverse impact on the use and enjoyment of the adjacent home at 3713 Albemarle Street: it has reduced the sunlight coming into the back windows; it dominates the back yard and has made growing flowers and shrubs – a favorite pastime of the owner – difficult; it has promoted the growth of mildew on the patio, making the patio unusable; and it has been so close to the property line that it has toppled the fence between the properties and pushed mud and water into the back yard of 3713 Albemarle Street; indeed, with a building this close to the lot line, encroachment of water and soil could easily continue after construction was finished;

WHEREAS, other neighboring property owners oppose the special exceptions on the grounds that the addition would stick out too far into the back yard, block their sun and views from their homes, and encourage other homeowners to build similar additions (Mr. O'Reilly told the ANC that others in his row of houses had such an interest), which could disrupt the harmony between houses in this row and set a precedent that ultimately could change the character of the neighborhood; and

THEREFORE BE IT RESOLVED THAT: ANC 3F finds that this application seeks not merely an adjustment to zoning, but an *exemption from it*; and

BE IT FURTHER RESOLVED THAT: ANC 3F urges the BZA to deny this application on the grounds that the addition would, and does, interfere with the light and air available to neighboring properties and would, and does, deprive neighbors of the use and enjoyment of their back yards; and

BE IT FURTHER RESOLVED THAT: ANC 3F requests that the addition be torn down and the property be restored to its original condition and grading before the construction started; and

BE IT FURTHER RESOLVED THAT: ANC 3F designates Commissioner Cathy Wiss to represent it in this matter before the BZA.

Approved by a vote of 6-0-0 at a duly noticed public meeting of ANC 3F on November 15, 2004, with a quorum present (a quorum being 4).

Karen Lee Perry, Chair

Cathy Wiss, Secretary



Stop work order on the proposed addition
posted in the front window of 3715 Albemarle Street N.W.,
but covered over with permits for other work



View of the addition from Albemarle Street



View of the addition from Reno Road
showing the uniformity of houses in this row



View of the addition from the rear of 3713 Albemarle Street
showing how it dominates the back yard of 3713 Albemarle,
has blocked views and sunlight, and
has caused mildew to grow on the patio



View showing the minimal distance between the addition
and the property line of 3713 Albemarle Street and
preparations for adding a second floor to the addition